

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
5:30 P.M.**

December 2, 2003

MINUTES

1. Call to Order.

Mayor Simpson called the meeting to order at 5:30 p.m. and announced a quorum was present.

Those present were: Mayor Simpson, Mayor Pro-Tem Maso, Deputy Mayor Pro-Tem Lafata Council member Allen, Council member West, and Council member Joyner. Council member Felker arrived at 5:35 p.m.

Those representing staff were: City Manager George Purefoy, Deputy City Manager Henry Hill, Assistant City Manager Scott Young, Assistant City Manager Jason Gray, Director of Planning & Development John Lettelleir, Director of Engineering Cissy Sylo, City Attorney Richard Abernathy and Senior Administrative Assistant, Deanna Quigley.

2. Recess into Closed Session.

Deputy Mayor ProTem Lafata moved to recess into Closed Session at 5:30 p.m. Council Member Joyner seconded the motion. Motion carried. Vote: 5-0.

Mayor Simpson announced the Council was in Closed Session at 5:30 p.m. to wit:

1. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit;

a) Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.

b) Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:

i. south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289;

- ii. south of FM 3537, north of Warren Parkway, east of Dallas North Tollway, and west of Hillcrest Road.
- c) Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
 - i. Boundary issues with McKinney and The Colony
 - ii. The Ghost Ranch and Wayne Kirk
 - iii. Legal issues regarding late hours alcohol sales

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Council member Allen moved to reconvene into Regular Session at 6:50 p.m. Deputy Mayor ProTem Lafata seconded the Motion. Motion carried. Vote: 5-0. Mayor ProTem Maso stepped away. There was no action taken as a result of the Closed Session.

4. Invocation.

The prayer was offered by Chuck Martin of the First Baptist Church of Frisco.

5. Pledge of Allegiance to the U.S. Flag and to the Texas Flag

Wolverine Den, Pack 298 led the Pledge of Allegiance to the U.S. Flag and to the Texas Flag.

6. Citizen Input:

- Vince Barnes was present to inform interested citizens about signing up for Boy Scout Groups. He also stated that Boy Scout Troop 51 is currently selling Christmas Trees at the First United Methodist Church East Parking Lot. He thanked the City Council and Staff for their dedication in making Frisco a nice place to live.
- Jackie Jeffrey of Ebby Halliday Realtors was present to ask the Council for their support regarding "Open House" signs within the sign ordinance. She stated that she would to see some restrictions lifted for "Open House" signs so that locating homes for sale during "Open Houses" would be easier.

7. Reports.

- a) **Presentation of National Night Out Award** - Recognized by Town Watch. The City of Frisco was recognized in the top 10.

Chief Todd Renshaw presented Sandy Simpson with her diploma for graduating from the Class 14 Police Academy.

- b) **Hickory Springs Update** - Brian Moen, Traffic Engineer was present to address the Council. He stated that the next meeting was Dec. 10, at 7pm in the City Council Chambers. Letters have been sent out and the meeting has been posted.

- c) **Engineering Services Monthly Staff Report** – Director of Engineering Services, Cissy Sylo was present to address the Council on:

- Meeting on Friday with The Cities of Little Elm and The Colony to discuss the widening of FM 423
- There are Regional Rail Study Meetings that are ongoing to discuss the technology for the Rail Line for Burlington Northern Santa Fe and station locations will be determined. These meetings are open and information can be found on their website.
- Recognition to Brian Moen, Traffic Engineer, for his efforts in the prompt construction of the Eldorado and Preston Road signal light. She also stated that the Main Street and Teal traffic light should be completed sometime after the first of the year.
- RFP (Request For Proposals) are being accepted for adding sulphate in the soil to determine long-term maintenance.
- Bids are coming up or have been awarded for:
 - Ohio Street from Lebanon to Wade (Dec. 4)
 - Ohio Street from Prestmont to Lebanon (Dec. 4)
 - Warren Parkway from Legacy to DNT (January)
 - Eldorado Overpass Rebid (Bid will come before Council Dec. 16. Meetings with homeowners will be scheduled as well)
 - 423 and Lebanon Northbound turn lane (Dec. 2)

Mayor Simpson asked Ms. Sylo to extend an invitation to Sandy Jacobs to the FM 423 Meeting on Friday, 3 pm at Little Elm.

Mayor ProTem Matt Lafata extended Congratulations to Brian – Secretary/Treasure of the Greater Dallas Section of the Institute of Transportation of Engineers.

Mayor Pro Tem Lafata also asked about the status of the traffic signal at 3537 at Coit Road. Ms. Sylo stated that we are close to establishing the right-to-entry and the right-of-way negotiations. She stated that she felt that Coit would be completed in June.

Mayor Simpson asked about the DNT U-turn Project. Ms. Sylo stated that she would bring forth a briefing at a future meeting regarding the under and overpasses along the DNT and Highway 121. She also stated that they are taking great care in construction phasing so that the Frisco High School is not inconvenienced during school time.

Council member Bob Allen asked for a representative to update the Council on the Highway 121 Overpass. Ms. Sylo stated that the official opening is slated for a March opening.

Council member Joy West asked if the Safety Committees, Principals and Safety Resource Officers of the Frisco School District could become involved in those meetings. Brian Moen stated that they could contact Doug Zambasi of FISD to let them know the dates of those meetings. All are welcome.

Ms. West also congratulated the Engineering Department and the Street Department, especially Danny Carroll, for their quick completion of the black top road.

Ms. West also asked if median noses could be painted, since reflectors could not be added to state highways. Mr. Moen stated that they could accommodate that request.

Mayor Simpson asked if there would be lighting at the intersections of the Tollway. Ms. Sylo stated that bridge lighting was provided. Additional lighting will be up to the City.

d) Parks and Recreation Monthly Report – Director of Parks and Recreation, Rick Wieland, was present to update the Council on:

➤ Parks & Recreation Open Space Master Plan Update Meeting - Monday, Dec 15th at 6:30 at the Founder's Club at the Dr. Pepper/Seven Up Ballpark. This is not an official meeting, although a Public Meeting Notice will be posted.

➤ Merry Main Street – Saturday, December 6th from 6 p.m. to 9 p.m. in the Downtown Area. The Christmas Tree Lighting Ceremony by Mayor Simpson will begin approximately at 8:40 p.m. Entertainment, food, and activities will take place throughout the evening.

Mayor Simpson questioned about signing up for receiving email updates regarding Parks and Recreation Department activities and general information. He stated that it would not allow him to sign up for

both. Henry Hill, Deputy City Manager, stated that you have to sign in twice, due to limitations in the software.

- e) Administrative Services Monthly Report** – Nell Lange, Director of Administrative Services, was present to address the Council. She reminded the Council that the numbers being compared to are the unaudited numbers.

Mayor Simpson asked why the hotel/motel taxes were down compared to last year. Assistant City Manager, Jason Gray, stated that hotel/motel taxes are generally submitted quarterly, although some hotels are submitting monthly, which can alter the totals.

- f) Planning and Development Monthly Report** – Director of Planning and Zoning, John Lettelleir, was present to address the Council on:

- Our current estimated population is 62,425.
- Batch Plants Issues: Mr. Lettelleir stated that the noise level was getting better, some citizens were still complaining about the smell. He will continue to meet with the Batch Plants Representatives to address these concerns and any citations. He stated that they were working with TXDot to accommodate those concerns.
- Waterford Falls: Monument Sign Light is completed. The French Drain for the property is completed, with a minor repair on the handicapped ramp. Grating on west half of the Community Center will be addressed in the upcoming weeks.
- Congratulations to Jeff Witt, Comprehensive and Environmental Division Director for his work on the presentation of a paper with the City of Boulder, CO regarding the Green Building Program. He and his staff continue to work with the Frisco Development Council regarding the Commercial Green Building Program to explain the City's Ordinances to review.
- Mayor Simpson asked if and when we could show the Energy Star Video, a twenty-minute film, to be released Nation wide. The City of Frisco is being recognized in the video for their excellent work in the Green Building Program. Council will check into when an appropriate time would be to run the video so that Citizens can have the opportunity to view it.

- g) Main Street Update** – Director of Engineering Services, Cissy Sylo, presented a detailed Power Point Presentation regarding the Main

Street Update Phase 3 and Phase 4. The estimated cost is \$ 4,909,734.

- Area Projects: Project Engineer, Hulan Webb, was present to address the Council regarding the area projects. Ms. Sylo recognized Mr. Webb for his dedication in working in this area. Mr. Webb also presented a Downtown Project Schedule to the Council for their review.
- City Engineer, Frank Jaromin, was present to address the Council on the Main Street Project and the Right-of-Way Agent. All 22 individuals who own parcels have been contacted.

h) Project Status Tracking Reports – None at this time.

Discussion only, no formal action was taken.

8. Consent Agenda:

The Consent Agenda was considered for approval. Council member Joyner moved to remove Item G. Mayor ProTem Maso seconded the motion. Motion carried. Vote: 6-0.

Council member West moved to approve the Items A-F and H. Council member Joyner seconded the motion. Motion carried. Vote: 6-0.

Council member Joyner moved to approve Item G. Council member Allen seconded the motion. Motion carried. Vote 6-0.

A) Approved the Minutes of the November 18, 2003 Regular City Council Meeting, and the November 13, 2003 Special Called Work Session for Parks Master Plan Meeting. (City Secretary)

B) Acceptance of a Letter of Resignation by Connie Ewing from the Parks and Recreation Board. (City Secretary)

C) Approved Interlocal Agreement by and between the Cities of Allen, Frisco, and Plano and the City of Murphy for the City of Murphy's use of the trunked radio system and adoption of **Resolution 03-12-230R** authorizing the City Manager to execute the Agreement. (Police)

D) Approved Change Order Number Two (2) to Site Concrete in the amount of \$105,745.00 for construction of a 24" water line along Coit Road from College Parkway to Ark Road. (Engineering)

E) Approved Change Order Number One (1) in the amount of \$20,316.45 to Rodman Excavation for additional work done in removing fill at Warren Sports Complex. (Engineering)

F) Approved 4th quarter, FY2003 payment of Section 380 Sales Tax Grant to Dayton Hudson in the amount of \$17,016.85. (Finance)

G) **Approved Change Order Number Four (4) in the amount of \$21,022.00 to Lee Lewis Construction, Inc. for additional items for the Senior Center at Frisco Square. (Parks and Recreation)**

Council member Joyner asked that if the first contractors reimbursed monies when they didn't complete a project or if there was a delay on a project. Parks Planning & Capitol Projects Superintendent Dudley Raymond was present to clarify that any company who does not fulfill their contract obligations are required to reimburse this money, so that the costs of the second contractor coming in to complete the project can be paid.

H) Approved a Letter of Support for The Town of Prosper becoming a member of North Texas Municipal Water District's Upper East Fork Interceptor System. (City Manager)

END OF CONSENT AGENDA

9. Legislative Agenda:

The Legislative Agenda was considered for approval. Mayor ProTem Maso moved to approve the Legislative Agenda. Deputy Mayor ProTem Lafata seconded the motion. Motion carried. Vote: 6-0.

Adoption of **Ordinance 03-12-100** to amend a portion of Planned Development-62-Office-2 (Tract C) located on 32.7± acres on the northwest corner of S.H. 121 and Legacy Drive. Neighborhood #33. Applicant(s): Town & Country Development. Zoning Case Z03-0013. (Planning & Development)

END OF LEGISLATIVE AGENDA

Regular Agenda:

10. Discussion and give staff direction regarding Hillcrest Speed Limits and Speed Limits in General. (Council)

Traffic Engineer, Brian Moen was present to address the Council. He explained how we determine speed limits. We have a blanket ordinance, with our City Manager being designated to determine what traffic signs are to be installed. The speed limits set for two lane roadways are posted at 35. Higher speeds are determined by the direction of traffic: two lanes going the same direction are given a higher speed. Anything to impact your ability to drive safely is considered. Different point locations are used for a study to determine data.

After discussion, Council recommended that the City proceed with the direction of the Traffic Engineer's recommendation.

11. Approved an Agreement by and between the City of Frisco and Lebanon Baptist Church and adoption of Resolution 03-12-231R authorizing the City Manager to execute the Agreement for development issues. Tabled 11/04/03, 11/18/03 (City Manager)

Council member Jim Joyner moved to remove item from table. Deputy Mayor ProTem Lafata seconded the motion. Vote 6-0.

City Attorney, Richard Abernathy, was present to address the City Council. He stated it contained the changes that Mr. Purefoy discussed.

- Paragraph Two, C and D: Lebanon Baptist Church would convey land for a right-hand turn lane and convey the old Lebanon Baptist Church Building
- Paragraph One: The land is to cover the entire tract of land
- Paragraph Four: The Church understands that there are other obligations and other City Ordinances that they will be subject to.
- Lebanon Baptist Church will need to execute the Warranty Deed at the same time before we sign over this agreement.

Council member Allen moved to approve the agreement, subject to Attorney changes. Council member Joyner seconded the motion. Motion carried. Vote 6-0

12. Public Hearing/First Hearing: Consideration of Voluntary Annexation of 26.3+ acres situated in the J. Morrell Survey, Abstract No. 864 Denton County, Texas located at the northwest corner of Main Street and future Legacy Drive. Requested by FLCT, Ltd. (Case A03-0015) (Planning & Development)

Zoning and Subdivision Administrator, Scott Ingalls, was present to address the Council. He stated that this is the 1st of two public hearings required by law.

Council member Jim Joyner moved to open the public hearing. Deputy Mayor Pro Tem Lafata seconded the motion. Motion carried. Vote 6-0

There being no one present to address the Council, Deputy Mayor Pro Tem Lafata moved to close the public hearing. Council member Joyner seconded the motion. Motion carried. Vote 6-0.

City Attorney Richard Abernathy informed the Council the service plan was available for public inspection and the property is contiguous to the existing city limits, is located within the City's ETJ and is eligible for annexation.

13. APPEAL: Public Hearing: Zoning Case Z03-0028, A request to amend Planned Development-25-Business Center on 515.0+ acres at the northwest corner of Preston Road and S.H. 121 to include standards and regulations for signage within the planned development and consider and act to instruct staff to prepare an Ordinance of the same. Zoned Planned Development-25-Business Center. Neighborhood #35. Applicant(s): Frisco Bridges Association. (Planning & Development)

Zoning and Subdivision Administrator, Scott Ingalls was present to address the Council.

Council member Allen moved to open the Public Hearing. Council member West seconded the Motion. Motion carried. Vote: 6-0.

Brandy Ware, applicant, was present to address the Council. She displayed an example of the type of sign that would be used.

Council member Allen moved to close the Public Hearing. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

Council member Allen moved to approve the appeal, subject to an ordinance coming back to Council, limiting the measurements of the sign to be 30 inch wide by 5 foot high. Mayor Pro tem Maso seconded the motion. Motion carried. Vote: 6:0.

14. Public Hearing: Zoning Case Z03-0029, A request to rezone 361.8+ acres on the south side of U.S. 380, 2,500+ feet east of Preston Road from Agricultural to Commercial-2 (35.6+ acres) and Industrial (326.2+ acres) and consider and act to instruct staff to prepare an Ordinance of the same. Zoned Agricultural. Neighborhood #2. Applicant(s): Craig Curry. (Planning & Development)

Zoning and Subdivision Administrator, Scott Ingalls, was present to address the Council.

Council member Allen moved to open the Public Hearing. Council member West seconded the motion. Motion carried. Vote: 5-0. Mayor ProTem Maso stepped away.

There being no one present to address the Council, Deputy Mayor Pro Tem Lafata moved to close the Public Hearing. Council member Allen seconded the motion. Motion carried. Vote: 5-0. Mayor ProTem stepped away.

Deputy Mayor Pro Tem Lafata moved to approve this item, subject to an ordinance coming back to Council. Council member Felker seconded the motion. Motion carried. Vote: 5-0.

15. Public Hearing: Comprehensive Zoning Ordinance Amendment ZA03-0004, A request to amend Article IV, Section 11 of the Comprehensive Zoning Ordinance regarding Retail Market Study requirements and consider and act to instruct staff to prepare an Ordinance of the same. Applicant(s): City of Frisco. (Planning & Development)

Zoning and Subdivision Administrator, Scott Ingalls, was present to address the Council.

Deputy Mayor Pro Tem Lafata moved to open the Public Hearing. Council member Joyner seconded the motion. Motion carried. Vote: 6-0

There being no one present to address the Council, Deputy Mayor Pro Tem Lafata moved to close the Public Hearing. Council Member Joyner second the motion. Motion carried. Vote: 6-0.

After discussion, Council member Joyner moved to instruct staff to prepare an Ordinance. Deputy Mayor Pro Tem Lafata seconded the motion. Motion carried. Vote: 6-0

16. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to the Planning & Development Department, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning & Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to the Planning & Development Department.

Discussion only.

Supplement Agenda:

Item SP 1: Authorize funding of North Texas Municipal Water District Study of Stewart Creek/Panther Creek/Indian Creek Regional Wastewater System North Texas Waste Water System.

City Manager, George Purefoy was present to address the Council. He stated that this study was to look for various water treatments solution needs for Frisco and surrounding Cities. This agreement would allow for Frisco to pay their portion of the costs.

Council member West moved to approve the agreement. Council member Allen seconded the motion. Motion carried. Vote: 6-0.

17. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

- a. CISSY: PROVIDE A REPORT FOR THE DESIGN CHANGES FOR THE TOLLWAY AND 121 OVERPASSES
- b. BOB ALLEN: WANTS EVERYONE TO THINK ABOUT MID YEAR WORK SESSION TOPICS
- c. JOHN AND CISSY: PREPARE A SIDEWALK ORDINANCE THAT REFLECTS A CHANGE FROM 4 FEET WIDE TO 6 FEET WIDE

18. Discussion on Governance Monitoring of present City Council Meeting.

Council member Joyner stated that everyone did a great job.

19. There being no additional business, the Meeting was adjourned at 9:45 p.m.

E. Michael Simpson, Mayor

ATTEST:

Nan Parker, City Secretary